IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.1119 OF 2005

Shri.Raghunath Ganesh Joshi ..Petitioner

Vs.

Shantaram Bogu Shetty and Anr. ..Respondents

....

Mr.A.M.Kulkarni for Petitioner

....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 20,2005

P.C.:

1. Heard Mr.Kulkarni, the learned counsel for the Petitioner who is aggrieved by the order dated 20.12.2004 passed by the learned CJJD at Ulhasnagar rejecting the application at Exh. 175 filed in RCS No. 31 of 1983.

2. Admittedly, the suit has been pending for the last about 23 years and it would not be expedient to cause interference in the trial of the said suit by entertaining the present petition. The Petitioner may raise same challenge in the appeal to be filed in case, the suit is decided against him.

3. Hence, the petition is rejected summarily. It is clarified that this order of rejection will not come

in the way of the Petitioner in raising the same challenges in the First Appeal in case, the suit is decreed against him. Suit be decided as expeditiously as possible and preferably within a period of six months from the date of receipt of the writ of this Court.

4. Writ to go forthwith to the trial Court.

[B.H.MARLAPALLE,J.]